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09/692,926

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Douglas J. Cowell

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EXAMINER

LE, KAREN L

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/692,926

Applicant(s)

COWELL ET AL.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 143 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18, 20-43 and 46-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 20-43 and 46-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13, 17-18, 20-26, 31-43 and 47-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Cartier et al (U.S. 6,795,543) in view of Lee (U.S. 5,537,470).

Regarding claims 1-3, 17-18, 20-22, 31-33 Cartier teaches a method for processing requests for a network service, comprising the steps of: receiving data from a customer designating routing destinations for service request calls (Abstract, lines 5-6), requesting the calling party to select a first or second service (choose operator service or front end automation platform, Abstract, lines 2-3), requesting the calling party to select one of a plurality of related types of first service (abstract, lines 5-9), routing the call to one of a plurality of service centers. based upon a response from the calling party to the request and the designated routing destinations indicated by the customer data (Abstract, lines 9-11).

Cartier does not teach receiving a call from a calling party, wherein the call includes a trigger number, determining whether or not the trigger number matches a predetermined trigger number. However, Lee teaches receiving a call from a calling

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party (Fig. 2, item 204), wherein the call includes a trigger number (Fig. 2, trigger number is caller CLI of item 212), determining whether or not the trigger number matches a predetermined trigger number (Fig. 2, item 224, original agent identifier and caller CLI); In response to the determination that the trigger number does not match or match the predetermined trigger number requesting the calling party to select a first or second service or select one of a plurality of related typed of first service (Fig. 2, item 224, 232 and 236). Lee teaches storing for a caller identifier for the initial call and a corresponding agent identifier, identifying a subsequent call placed within the predetermined time by a caller having the stored caller identifier, and routing the subsequent call to one of the agent terminals in accordance with the stored agent identifier. Thus, it is obvious to one of the skill the art to incorporate Lee's feature into Cartier 'system in order to determine whether or not the trigger number matches a predetermined trigger number then request the calling party to select a certain service according to the menu. This feature is old and well known in telecommunication system.

Regarding claims 4-6, 23-24, and 34-37 Cartier further teaches wherein routing the call to a second service center further includes: locating the second service center based upon a calling party number associated with the calling party (Col. 10, lines 22-24), locating the second service center based upon a state from which the calling party initiates the call (col. 16, lines 51-56), comparing the calling party number with a number plan area table to determine the state from which the calling party initiates the call,

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collecting status information associated with the call, and storing said status information in a status log (Col. 17, lines 17-28).

Regarding claims 7, 9 and 39 Cartier further teaches the status information includes information associated with the service selected by the calling party, the type of service selected by the calling party, the service center to which the call was routed and abandoned calls, utilizing the collected status information to determine where subsequent calls are to be routed (Col. 8, lines 18-22 and Col. 26, lines 11-16).

Regarding claims 8 and 38 Cartier further teaches the status information includes information associated with the service selected by the calling party, the type of the service selected by the calling party, the service center to which the call was routed. Cartier does not teach abandoned calls. However, Lee teaches abandoned calls (Col. 1, lines 34-55).

Regarding claims 10, 25, 40, 42 and 50 Cartier further teaches when the first service center is associated with a first auxiliary service center, the method further including the steps of: detecting a network fault condition associated with routing the call to the first service center; and rerouting the call to the first auxiliary service center (Col. 25, lines 25-31 and lines 48-53).

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Regarding claims 11-13, 26, 41 and 43 Cartier further teaches the first auxiliary service center is the second service center. The second service center is associated with a second auxiliary second service center, the method further including the steps of: detecting a network fault condition associated with routing the call to the second service center, and rerouting the call to the second auxiliary service center (col. 18, lines 34-50), and as is well known in the call center arts, any of the plurality of service centers can be made to be an auxiliary service center. Such is a design choice or preference involving merely configuring a system as desired.

Regarding claims 47 – 49 and 51, such a feature merely describes a manual action by a customer and has nothing at all to do with the implementation of operation of the claimed invention. If a customer or calling party wishes to manually consult with a report or listen to certain data before making his/her request and base his/her request on that report or data, that is done before a call is even made. For the purposes of examination, examiner will still address the limitation.

As such, this limitation would be extremely obvious to one of ordinary skill in the art at the time the invention was made because such a limitation is common sense. If a customer or calling party hears that a certain business or service is in-operational, of course that customer or calling party would adjust his/her request accordingly. In Cartier et al. for example, the network routes converted calls to appropriate pre-selected carriers in accord with existing subscriber picks when necessary (Col. 6, lines 50-52). Likewise if the customer or calling party has personal experience or reads somewhere

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that customer service for a service provider for telephony service is inadequate, he/she will likely want to be directed to a different service provider for telephony service.

Another example is commonly seen wherein sports fans will try to make calls to ticket brokers outside their local area(s) in order to have a better chance of getting through to a broker. Sports teams most always have the most popularity in the region or immediate locale. Therefore, calling ticket brokers locally or calling local ticket brokers usually results in more busy signals since the local traffic is jamming up lines. Not so in remote or other locales wherein tickets for that sports team is not as popular. Nearly any scenario can be contemplated.

3. Claims 16, 29-30 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartier et al (U.S. 6,795,543) and Lee (U.S. 5,537,470) as applied to claims 1-13, 17-18, 20-26, 31-43 and 47-51 above, and further in view of Falcon et al (U. S. 2002/0076031).

Regarding claims 16, 29, 30 and 46, Cartier do not teach is the first service is ADSL service and the second service is ISDN service and wherein the type of the first service is one of residential and business ADSL service, and the type of the second service is one of residential and business ISDN service. However, Falcon teaches the first service is ADSL service and the second service is ISDN service and wherein the type of the first service is one of residential and business ADSL service, and the type of

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the second service is one of residential and business ISDN service (Page 4, Paragraph 0025 and 0039).

Note that Cartier et al., Lee, and Falcon et al. are not limited by the services and/or types of services that may be offered and in fact, contemplate their systems being used for almost any service. Again, such is merely a design and preference choice. Therefore, requesting residential or business service would be obvious and is also old and well known as a distinction when requesting service – hence the distinction discussed above re: Falcon et al. Also, because ISDN and ADSL are well known protocols and configurations as taught by Falcon et al., such would also be obvious as a service type. Even applicant's claims suggest this flexibility and interchangeability between the services/service types.

However, it is old and well known in the call center arts to address the issue of abandoned calls as taught by Falcon et al. (P. 1, ¶ 0002) Falcon et al. also teaches a system for connecting a caller making a service request to any number of agents, remote or local, servicing a plurality of call centers, taking and storing caller information such as past caller history which would include any calls abandoned by a caller. (P. 3, ¶ 0025, 0028, 0029 of Falcon et al.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated such information in the combination of Cartier et al. and Lee inasmuch as this is common problem, and because it is also old and well known for service centers to provide a higher priority to a caller who previously

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abandoned a call in hopes of gaining their business and lessening a caller's frustration at having to abandon their call.

4. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartier et al (U.S. 6,795,543) in view of Lee (U.S. 5,537,470) and further in view of US 4,839,916 (Fields et al.) and/or US 5,838,767 (Aoyama).

As to claims 27 and 28, What neither Cartier et al. nor Lee teach is determining whether a call is from a test generator and if not, continuing with the above-discussed steps.

However, it is extremely old and well known for systems of any sort to have the ability to detect when a call or action is real or when it is merely a test. Fields et al. and Aoyama teach such systems. (Col. 18, lines 1 – 23 of Fields et al. and Col. 2, lines 18 – m39 of Aoyama) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented such a test call check inasmuch as both Fields et al. and Aoyama teach test call generators for use in testing a telecommunications system. Moreover, just generally, there is ample motivation for the ability to check whether a call is a test call or real. Determining whether or not a call is real would enable a user to save resources for example. Also, if for example, one considers an alarm system that should be tested, it would be desirable for the system to know when an alarm is a test alarm or actual so as not to incur subsequent action from the police or security. Moreover, in terms of statistics-gathering, it would be desirable for a telecommunications systems not to include test calls in actual data. These are

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simply a few motivations. Finally, the claimed "tests" that are claimed are commensurate with the operation of the system regarding receiving requests, properly processing those requests, etc. Therefore, any testing feature or test call generator would obviously be used to test such operation of the system. As noted above, tests or testing systems can be used to test nearly any aspect of a telephony system. Such is a design choice or preference that can be implemented merely by addressing the programming of the test protocol and/or hardware and/or software.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13, 17-18, 20-26, 31-43 and 47-51 have been considered but are moot in view of the new ground(s) of rejection.

As to applicant's arguments regarding claims 16, 27-30 and 46 that Falcon et al, Fields et al. and Aoyama fails to teach the steps of "receiving data from a customer designating routing destinations for service request calls" and " routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations". However, Falcon et al, Fields et al. and Aoyama are the secondary reference, and they do not have to be bodily incorporated in the primary reference.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487.


The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le
KLL

April 17, 2006


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